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Attorneys for Plaintiff  
DMF, Inc.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

DMF, Inc., a California corporation,

Plaintiff,

v.

AMP Plus, Inc. d/b/a ELCO Lighting,  
a California corporation; and

ELCO Lighting Inc., a California  
corporation,

Defendants.

Case No. 2:18-cv-07090 CAS (GJSx)

**Claim Terms for Construction**

Ctrm: 350 W. First. Street, Room 8D

Hon. Christina A. Snyder

Plaintiff DMF, Inc. (“DMF”) hereby submits the following table of proposed claim terms and proposed constructions.

DMF believes that, based on *inter alia* the Court’s “closed rear face” construction and the Court only needing to construe terms that resolve an infringement dispute, only 4 terms need to be construed: “closed rear face”, “unified casting”, “driver” and “standard junction box”

Counsel for Defendants AMP Plus, Inc., d/b/a ELCO Lighting and ELCO Lighting Inc. (“ELCO”) approved the Chart below but refused to join this submission because it includes the sentence above.

Claim Term	DMF Construction	ELCO Construction
<i>standard junction box</i>	<p>A shell or enclosure having an industry-specified size (e.g., trade size 4/0 under NEC and UL industry standards) for accommodating wire splices to building main power (e.g., 120 VAC or 277 VAC) inside the junction box and separating them from other items inside a ceiling or crawl space (e.g., insulation).</p> <p><i>Intrinsic/Extrinsic Evidence:</i>  ‘266 Patent claim language, specification and file history; Benya Decl.; Article 314 of National Electric Code (NEC); Underwriters Laboratories (UL) 514A Standard for Safety for Metallic Outlet Boxes; Dabiet Reference; Bazydola Reference; Chang Reference; Grove Reference.</p>	<p>No construction necessary.</p> <p><i>Intrinsic/Extrinsic Evidence:</i>  ‘266 Patent claim language, specification and file history.</p>
<i>driver</i>	<p>A device that receives building main voltage (e.g., 120 VAC or 277 VAC) and includes an electronic device that at least supplies and/or regulates electrical energy to the light source module.</p>	<p>No construction necessary.</p> <p><i>Intrinsic/Extrinsic Evidence:</i>  ‘266 Patent claim language, specification and file history; Illuminating Engineering Society ANSI/IES RP-16-10</p>

	<i>Intrinsic/Extrinsic Evidence:</i> '266 Patent claim language, specification and file history; Benya Decl.; Benesohn Reference; Grove Reference; Chang Reference; LMH2 Reference	(2010); Underwriters Laboratories UL-8750 Light Emitting Diode (LED) Equipment for Use in Lighting; Imtra 2011 Catalog.
<i>closer to</i>	Measured along the shortest distances between the light source module and (1) the closed rear face and (2) the open front face.  <i>Intrinsic/Extrinsic Evidence:</i> '266 Patent claim language, specification and file history; Benya Decl.	ELCO's position is that the term "closer to" should not be construed alone, but in the context of the entire clause incorporating "closer to" as set forth below.
<i>significantly dissipates</i>	The heat conducting closed rear face and the heat conducting sidewall of the unified casting significantly dissipate heat generated by the light source module during operation of the light source module without requiring an additional heat sink (i.e., an additional heat sink may be present, but is not required).  <i>Intrinsic/Extrinsic Evidence:</i> '266 Patent claim language, specification and file history; Benya Reply Decl.; Grove Reference; Dabiet Reference; Woo Reference; Bazydola Reference; T. Bergman et al., Fundamentals of Heat and Mass Transfer, 8 <sup>th</sup> Ed., Wiley; CREE LED Thermal Guide; Chang Reference; CREE LED Data Sheet; LMH2 Reference; Illuminating Engineering Society (IES) LM-80-08; IES/ANSI TM-21-11; ENERGY STAR Program Guidance Regarding LED Package, LED Array and LED Module Lumen Maintenance Performance Data Supporting Qualification of Lighting Products (Sep. 9, 2011); ENERGY STAR	Indefinite pursuant to 35 U.S.C. § 112.  Alternatively,  Transfers or disperses into the outside environment at a measurably great rate.  <i>Intrinsic/Extrinsic Evidence:</i> '266 Patent claim language and specification; Vocabulary.com (dissipation); Bretschneider Decl.; Merriam-Webster.com (dissipate); vocabulary.com (heat dissipation); Fisher Decl.

	Requirements for the Use of LM-80 Data (Sep. 28, 2017); ELCO ELJ4S Data Sheet; ELCO Website ( <a href="https://elcolighting.com/product-s-filter?f[0]=field_system%3A542">https://elcolighting.com/product-s-filter?f[0]=field_system%3A542</a> (Dec. 2019); ELCO ELL LED Module Data Sheet; Pickard Reference; Woo Reference; Beneshohn Reference; Merriam-Webster.com (dissipate); Dictionary.com (dissipate); MacMillanDictionary.com (dissipate); Chang Reference.	
<i>substantially heat conducting</i>	<p>The unified casting is designed to have the level of thermal conductivity value expected for heat sinks.</p> <p><i>Intrinsic/Extrinsic Evidence:</i> ‘266 Patent claim language, specification and file history; Benya Reply Decl.;</p>	<p>Indefinite pursuant to 35 U.S.C. § 112.</p> <p>Alternatively,</p> <p>Conducts heat at a measurably high rate.</p> <p><i>Intrinsic/Extrinsic Evidence:</i> ‘266 Patent claim language and specification. Fisher Decl.; T. Bergman et al., <i>Fundamentals of Heat and Mass Transfer</i>, 7<sup>th</sup> Ed., Wiley; Merriam-Webster.com (substantially); Bretschneider Decl.</p>
<i>unified casting</i>	<p>A structure formed as a single-part of heat-conducting material—e.g., heat-conducting material is formed into a one-piece structure, rather than screwing together separate structures.</p> <p><i>Intrinsic/Extrinsic Evidence:</i> ‘266 Patent claim language, specification and file history; Benya Reply Decl.; CREE LED Thermal Guide; Beneshohn Reference; Pickard Reference; Woo Reference; en.OxfordDictionaries.com (unified, unitary); Merriam-Webster.com (casting, cast)</p>	<p>A structure formed from a single element or from multiple elements brought together to form the structure.</p> <p><i>Intrinsic/Extrinsic Evidence:</i> ‘266 Patent claim language and specification; Merriam-Webster.com (unified); Bretschneider Decl.</p>

1 2 3 4 5 6 7 8 9	<i>rear face</i>	<p>The unified casting's "closed rear face" is a three-dimensional object that includes an external surface and internal surface and the claim language refers to the internal surface of the "closed rear face"</p> <p><i>Intrinsic/Extrinsic Evidence:</i> '266 Patent claim language, specification and file history; Benya Reply Decl.; Beneshohn Reference.</p>	<p>Indefinite pursuant to 35 U.S.C. § 112.</p> <p>Alternatively,</p> <p>The exterior rear surface of the unified casting."</p> <p><i>Intrinsic/Extrinsic Evidence:</i> 266 Patent claim language, specification and file history; Fisher Decl.; Merriam-Webster.com (face).</p>
10 11 12 13 14 15 16 17	<i>closed rear face</i>	<p>The "closed rear face" may have small holes to accommodate wires or screws and may even have slightly larger holes.</p> <p><i>Intrinsic/Extrinsic Evidence:</i> '266 Patent claim language, specification and file history; Benya Reply Decl.; Beneshohn Reference.</p>	<p>Indefinite pursuant to 35 U.S.C. § 112.</p> <p>Alternatively,</p> <p>A rear face that has no openings.</p> <p><i>Intrinsic/Extrinsic Evidence:</i> 266 Patent claim language, specification and file history; Fisher Decl.; Merriam-Webster.com (closed).</p>
18 19 20 21 22 23 24	<i>rear heat conducting portion</i>	<p>The rear of the heat conducting unified casting (i.e., the portion of the unified casting that forms the rear of the unified casting).</p> <p><i>Intrinsic/Extrinsic Evidence:</i> '266 Patent claim language, specification and file history; Benya Reply Decl.</p>	<p>Indefinite pursuant to 35 U.S.C. § 112.</p> <p>Alternatively,</p> <p>The exterior rear surface of the unified casting.</p> <p><i>Intrinsic/Extrinsic Evidence:</i> Merriam-Webster.com (portion).</p>
25 26 27 28	<i>center axis of the unified casting</i>	<p>An imaginary line running through the geometric center and inside of the unified casting that is surrounded by the sidewall of the unified casting. The geometric center is located at the average position of all points of</p>	<p>The axis running through the center of the rear face and parallel to the sidewall.</p> <p><i>Intrinsic/Extrinsic Evidence:</i> '266 Patent claim language;</p>

	<p>the unified casting, which may or may not be an equal distance from all of the points (i.e., the unified casting may not be fully symmetric).</p> <p><i>Intrinsic/Extrinsic Evidence:</i>  ‘266 Patent claim language, specification and file history; Benya Reply Decl.; <a href="https://en.wikipedia.org/wiki/List_of_centroids">https://en.wikipedia.org/wiki/List_of_centroids</a>.</p>	<p>Merriam-Webster.com (center, axis)</p>
<p><i>open front face</i></p>	<p>The portion of the exterior surface of the unified casting’s front end face near the unified casting’s sidewall.</p> <p><i>Intrinsic/Extrinsic Evidence:</i>  ‘266 Patent claim language, specification and file history (specific citations identified in DMF Brief and Benya Reply Decl.); Benya Reply Decl.; Wikipedia.com (face (geometry)); Merriam-Webster.com (planar, face); Dictionary.com (face); CollinsDictionary.com (face).</p>	<p>The plane running across and parallel to the front end of the casting that includes, in that plane, the front end of the casting and the opening, or aperture, defined by the front end, and extends to the outer edge of the front end in all directions.</p> <p><i>Intrinsic/Extrinsic Evidence:</i>  ‘266 Patent claim language, specification and file history; Videos (Dkt. 111 at Exs. 3 and 12); <a href="https://en.wikipedia.org/wiki/FACE_(geometry)">https://en.wikipedia.org/wiki/FACE_(geometry)</a>; Fisher Decl.</p>
<p><i>the light source module is closer to the closed rear face of the unified casting than the open front face of the unified casting (Claims 1-25);</i></p> <p>and</p> <p><i>“wherein the light source module is</i></p>	<p>Measured along the shortest distances between the light source module and (1) the closed rear face and (2) the open front face.</p> <p><i>Intrinsic/Extrinsic Evidence:</i>  ‘266 Patent claim language, specification and file history; Benya Decl.; Benya Reply Decl.</p>	<p>As measured along the center axis, or a line parallel thereto, the distance from the center of the light source module toward the open front face to the point of intersection with the open front face plane, is less than the distance from the center of the light source module toward the closed rear face to the point of the intersection with the rear face. Where the light source is located on the center axis, the center axis is the line along which the measurements are taken. Where the light source is not located on the center axis,</p>

1 *positioned*  
 2 *inside the*  
 3 *casting*  
 4 *cavity closer*  
 5 *to the rear*  
 6 *heat*  
 7 *conducting*  
 8 *portion than*  
 9 *the front*  
 10 *face of the*  
 11 *substantially*  
 12 *heat*  
 13 *conducting*  
 14 *unified*  
 15 *casting*  
 16 *(Claims 26-*  
 17 *30)*

measurements are taken along a line parallel to the center axis.<sup>1</sup>

*Intrinsic/Extrinsic Evidence:*  
 '266 Patent claim language and file history.

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<sup>1</sup> If the LED is not placed on the center axis, the proper measurements are made along a line parallel to the center axis (and the sidewalls) passing through the center of the LED. If, for some reason, the closed rear face of the casting were asymmetrical, such that the deepest point along the exterior surface of the closed rear face was not on the center axis, the second measurement is simply made from the LED along the center axis toward the closed rear face to the point on that axis that intersects with the parallel plane that passes through the deepest point of the exterior surface of the closed rear face.